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Notice of Allowability	Application No.	Applicant(s)	
	10/659,082	BARTHOLF ET AL.	
	Examiner	Art Unit	
	Louis K. Huynh	3721	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--
 All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed 01/28/2006 and the communication filed 5/15/2006.
2. ☒ The allowed claim(s) is/are 18,21,26-30 and 33.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

Comments

1. The Response to Request under 37 CFR 1.105 filed 05/15/2006 has been received, considered and made of record.
2. The rejection of claims 27-30 and 33 under 35 U.S.C. 101 is hereby withdrawn for it has been held that a rejection under 35 U.S.C. 101 for lack of utility should not be based on grounds that the invention is frivolous, fraudulent or against public policy. See *Juicy Whip Inc. v. Orange Bang Inc.*, 185 F.3d 1364, 1367-68, 51 USPQ2d 1700, 1702-03 (Fed. Cir. 1999).

EXAMINER'S AMENDMENT

3. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.
4. Authorization for this examiner's amendment was given in a telephone interview with Mr. Costas Krikelis (Reg. No. 28,028) on February 01, 2006.
5. The application has been amended as follows:

Claims 18, 21 and 26-30 have been replaced as follows:

18. (Currently amended) A method for shipping an article capable of releasing a combination of gas and particulates, the method comprising the steps of:

(a) providing an enclosure comprising a material of construction adapted to allow escape of the gas from the enclosure while retaining the particulates within the enclosure, sized to contain the article, said enclosure further comprising a front side, a back side, a closed bottom end, said bottom end comprising a folded over portion wherein a portion

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of the enclosure is folded over thereby to form a sealed bottom end and thereby prevent escape of the particulates therethrough, and a sealable top end comprising an open top, said sealable top end comprising a foldable flap portion extending past said open top adapted to be folded over said open top, said flap comprising a first adhesive strip on an inside surface thereof, the enclosure further comprising a second adhesive strip located on an outer surface of said back side at a position below said open top;

(b) inserting the article in the enclosure; and

(c) sealing the top end in a closed configuration adapted to prevent escape of the particulates by first folding said flap over said open top and adhering said first adhesive strip to an outer surface of said front side closing said top end, then folding said closed top end of said enclosure over said front side of said enclosure at least once and adhering said second adhesive strip on said outer surface of said back side to said front side of said enclosure.

21. (Currently amended) The method of claim 18, wherein at least one of said first and second adhesive strips comprises a removable covering over the adhesive, the step of adhering the adhesive strip comprising removing the removable covering.

26. (Currently amended) The method of claim 18, wherein the enclosure comprises spun bond polyolefin.

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27. (Currently amended) The method of claim 18, wherein the article comprises a pyrotechnic actuator.

28. (Currently amended) The method of claim 18, wherein the article comprises a currency anti-theft device.

29. (Currently amended) The method of claim 18, wherein the article is capable of releasing particulates comprising smoke, dye, active ingredients of tear gas, or a combination thereof.

30. (Currently amended) The method of claim 29, wherein the article is capable of releasing particulates comprising active ingredients of tear gas selected from: chlorobenzylidene malonitrile (CS); chloroacetophenone (CN or “mace”); and oleoresin capsicum (OC or “pepper spray”).

Reasons for the Examiner's Amendment

6. The examiner proposed, and agreed to by applicants' attorney, to amend the claims to overcome the indefiniteness under 35 USC 112, 2nd, for repeating the step of placing with the step of inserting in claim 18, to correct typographical error in claim 21, and to delete redundant language in claims 26-30.

Reasons for Allowance

7. The following is an examiner's statement of reasons for allowance:

Claim 18 is patentable over the prior art of record because the prior art of record fails to disclose and/or teach a method for shipping an article capable of releasing a combination of gas and particulates that comprises the steps of inserting the article in an enclosure having a front side, a back side, a top end and a sealed bottom end, and sealing the enclosure by folding a flap extending from the top end of the enclosure, adhering a first adhesive strip located on the inside surface of the flap to the outer surface of the front side, folding the closed top end at least once, and adhering a second adhesive strip located on the outer surface of the back side of the enclosure to the front side of the enclosure.

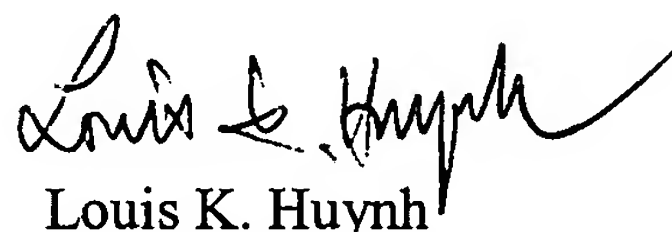
8. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Louis K. Huynh whose telephone number is 571-272-4462. The examiner can normally be reached on M-F from 8:00AM to 3:00PM.

10. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi I. Rada can be reached on 571-272-4467. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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11. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Louis K. Huynh
Primary Examiner
Art Unit 3721

June 05, 2006